GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Allegation of Criminal Misconduct and Criminal Conspiracy against Sri D.Ram Suresh, former Assistant Prohibition & Excise Superintendent, ESTF, Vijayawada, Krishna District (Retd) for his involvement in Liquor Syndicate Case – Disciplinary action initiated – Delinquent officer placed on his defence before the Tribunal for Disciplinary proceedings – Orders of Hon'ble High Court dated 08.03.2021 in W.P. No 5513/2021 – Implemented – orders – Issued.

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REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No.564 Dated:14.09.2021

Read the following:

1. From the D.G., ACB, Lr.Rc.No.57/RCO-VKI/2012, Dt:16.11.2012.
2. Govt.Memo.No.49988/Vig.V(2)/2012, Dated:16.01.2013.
3. Orders dt:23.01.2020 of the Hon'ble High Court in W.P.No.1243 of 2020 filed by Sri D.Ram Suresh, Retired Asst. Proh. & Excise Superintendent, ESTF Vijayawada.
4. Orders dt:23.01.2020 of the Hon'ble High Court in W.P.No.1275 of 2020 filed by Sri D.Ram Suresh, Retired Asst. Proh. & Excise Superintendent, ESTF, Vijayawada.
5. Memo.No.49990/Vig. IV.2/2012 – Part-1, Revenue (Vig.IV.2) Dept., dt: 22.07.2020.
6. G.O.Rt.No.258, Revenue (Vig.IV) Department, dated 10.05.2021
7. G.O.Rt.No.456, Revenue (Vig.IV) Department, dated 22.07.2021
8. Orders dt:08.03.2021 of the Hon'ble High Court in W.P.No.5513 of 2021 filed by Sri D.Ram Suresh, Retired Asst. Proh. & Excise Superintendent, ESTF, Vijayawada.
9. G.O.Rt.No.505, Revenue (Vig.IV) Department, dated 10.08.2021
10. Writ appeal with W.A.S.R. No.27158/2021 filed against the Orders dt:08.03.2021 of the Hon'ble High Court of A.P in W.P.No.5513 of 2021.

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ORDER:

Whereas, it was brought to the notice of the Government that Sri D.Ram Suresh, former Assistant Prohibition & Excise Superintendent, ESTF, Vijayawada, Krishna District (Retd), while he was in service involved in (2) two disciplinary cases pertaining to liquor syndicate cases of Krishna District among the other Prohibition & Excise officials. After conducting detailed enquiry, the Director General, Anti Corruption Bureau in his final report Dt.11.04.2012 recommended to place Sri D.Ram Suresh on his defense before Tribunal for Disciplinary Proceedings (TDP) along with other Prohibition & Excise officials.

2. After careful examination of the recommendations of the D.G., ACB, Government have taken a decision to entrust the case to the Tribunal for Disciplinarl Proceedings (TDP) including Sri D. Ram Suresh, retired as Assistant Proh. Excise Superintendent, ESTF, Vijayawada, vide reference 2nd read above. Further Part-B Notes duly signed by the competent authority were sent to the TDP for regular Inquiry along with other prohibition and Excise Officials vide Govt. Memo dated:25.05.2013. Charge memos were issued by the Tribunal for Disciplinary Proceedings vide Tribunal Enquiry Case No.78 of 2013 and 305 of 2013.

3. Sri D.Ram Suresh, Retired Asst. Proh. & Excise Superintendent, Guntur has filed Writ Petition No.1243/ 2020 & 1275/ 2020 before the Hon'ble High Court with prayer to set aside the above said charge memos and requested for pensionary benefits. The Hon'ble High Court of Andhra Pradesh has passed the following orders on 23.01.2020 in the above Writ Petitions:

> "In view of clear pronouncement of law on the subject by the Hon'ble Supreme Court of India as has been followed by the Division Bench of this Court and other single Judges of this Court, this Court is of the opinion that the Writ Petition itself can be disposed of giving three (3) months time to the respondents to complete the proceedings in all respects from the date of receipt of copy of this order. The respondents are at liberty to conclude the proceedings strictly in accordance with law and as per the relevant rules and regulations. It is made clear that if the proceedings are not concluded within the said period, the Charge Memo vide Tribunal Enquiry Case No.78 of 2013, dated 06.01.2017 and Tribunal Enquiry Case No.305 of 2013, dated:03.08.2018 issued against the petitioner, shall stand automatically quashed."

4. In the Memo 5th read above, while enclosing the orders passed by the Learned Single Judge, dt: 23.01.2020 in W.P.No.1243/2020 and W.P.No.1275/2020 have been forwarded to the Tribunal for Disciplinary Proceedings, Hyderabad with a request to conclude the enquiry within the stipulated time prescribed by the Hon'ble High Court so as to avoid further legal complications

5. Sri D. Ram Suresh has also filed W.P.No.5513/2021 to declare the action of the Respondents in withholding the Retirement benefits in the absence of any valid disciplinarily proceedings as the Charge memos issued to him have been set aside by the Hon'ble High Court in W.P.No.1275 of 2020 and 1243 of 2020 on 23.01.2020 as illegal, arbitrary and discriminatory and consequently direct the respondents to release al the pensionary benefits namely Full Pension, Retirement Gratuity, and Encashment of Earned Leave and other benefits together with 12% interest from the date of retirement. The Hon'ble High Court, in its orders dt:8.3.3021 in W.P.No.5513 of 2021, has passed the following order:-

> "It is brought to the notice of this Court by the learned counsel for the petitioner that in identical matter this Court in W.P.No.870 of 2021 has allowed the writ petition by its order dated 29.01.2021 granting a writ of mandamus declaring the action of the respondents as illegal, arbitrary and violation of Articles 21 and 300 A of the Constitution of India and the 1st respondent is directed to fix the pension payable to the petitioner and pal the retirement benefits such as full pension, retirement gratuity, encashment of Earned Leave and other benefits to the petitioner together with interest at 12% from the date they become due till the date of payment. Having heard the submissions of the learned counsel for the petitioner and upon perusing the material available on record, this Court satisfied that the grievance raised bl the petitioner in the present writ petition and the facts of the case in W.P.No.870 of 2021 are one and the same. Accordingly, this Writ Petition is allowed in terms of the order passed by this Court on 29.01.2021 in W.P.No.870 of 2021."

6. Sri D. Rama Suresh has filed C.C.No.1254/2021 for not implementing the orders of learned single Judge passed in W.P. No.5513 of 2021.

7. In the G.O, 6th read above, Sri D.Ram Suresh, former Assistant Prohibition & Excise Superintendent, ESTF, Vijayawada, Krishna District (now Retd)., was sanctioned provisional pension @ 75% of normal pension entitled to him under Rule 52 of Andhra Pradesh Revised Pension Rules, 1980 pending fnalization of disciplinary proceedings initiated against him . Further in the G.O, 9th read above, sanction was also accorded for encashment of Earned Leave pursuant the orders in W.P.No.5513 of 2021 passed by the Hon'ble High Court of Andhra Pradesh.

8. In the reference, 10th read above, Government have filed Writ Appeal before the Hon'ble High Court of A.P against the orders passed by the Learned Single Judge in W.P.No.5513 of 2021 on 08.03.2021.

9. Government, after careful examination of the matter, and in compliance and with due respect to the orders dated:08.03.2021 of the Hon'ble High Court of A.P passed in W.P.No.5513 of 2021, hereby implement the same and hereby accord sanction to fix the pension payable to petitioner and pay the retirement benefits such as full pension, retirement gratuity, encashment of earned leave and other benefits to Sri D.Ram Suresh, former Assistant Prohibition & Excise Superintendent, ESTF, Vijayawada, Krishna District (Retd), and interest with 12% from the date become due till date of payment, subject to outcome of the Writ Appeal filed before the Hon'ble High Court of Andhra Pradesh.

10. The Commissioner of Prohibition and Excise shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARTY TO GOVERNMENT

To

Sri D.Ram Suresh, former Assistant Prohibition & Excise Superintendent, ESTF, Vijayawada, Krishna District (Retd), through Commissioner, Prohibition and Excise, Andhra Pradesh, Vijayawada.

The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.

The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.

The Secretary, Tribunal for Disciplinary proceedings, A.P., Nampally, Hyderabad.

The Principal Accountant General (A&E), A.P., Vijayawada.

The Government Pleader for Services - I, Andhra Pradesh High Court, Amaravati. w.r.t Writ Petition.No.5513/2021.

The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.

8f/Sc

//FORWARDED:: BY ORDER//

SECTION OFFICER

DISPATCHED
Sig.
Date: 14/9/21